



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We Protect Hoosiers and Our Environment.

Mitchell E. Daniels, Jr.
Governor

Thomas W. Easterly
Commissioner

100 North Senate Avenue
Indianapolis, Indiana 46204
(317) 232-8603
Toll Free (800) 451-6027
www.idem.IN.gov

March 15, 2010

VIA CERTIFIED MAIL

7002 0510 0002 7964 5680

Mr. Jay Clifton
Clifton and Quigg Fertilizer
118 E. County Road 800 N.
Linden, Indiana 47955

Dear Mr. Clifton:

Re: NPDES General Permit No. ING080273
Clifton and Quigg Fertilizer
Montgomery County, Indiana

This agency has reviewed your request for voidance of the above-referenced permit. According to a letter dated December 8, 2009, from Ms. Mary Hile of Creek Run LLC. Environmental Engineering, written on behalf of Clifton and Quigg Fertilizer, remediation activities were completed in August 2009. Since no further groundwater will be treated or discharged from this site the NPDES permit is no longer needed. Our office has confirmed with the Office of Land Quality that remediation activities at this site have been completed and therefore concurs that the NPDES permit can be voided.

Therefore, National Pollutant Discharge Elimination System Permit No. ING080273, issued July 16, 2009, is hereby voided effective 18 days from the mailing date of this letter.

Any party adversely affected or aggrieved by this decision may appeal by filing a petition for administrative review with the Office of Environmental Adjudication (OEA) within eighteen (18) days after the date of mailing of this letter. Any appeal request must be filed in accordance with IC 4-21.5-3-7 and must include facts demonstrating that the party requesting appeal is the applicant, a person aggrieved or adversely affected by this voidance or otherwise entitled to review by law. Pursuant to IC 13-15-7-3, this decision shall remain in effect pending a decision on any appeal that has been timely requested under the provisions of IC 4-21.5. The address is:

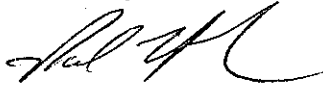
Office of Environmental Adjudication
Indiana Government Center North
100 North Senate Avenue, Room 501
Indianapolis, IN 46204

Mr. Jay Clifton
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You are reminded that any future discharge to waters of the state must be preceded by the submission of an NPDES application at least 180 days prior to the commencement of such discharge.

If you have any questions regarding this matter, please contact Ms. Sheri L. Jordan of my staff at (317) 232-8703.

Sincerely,

A handwritten signature in dark ink, appearing to read "Paul H", with a stylized flourish at the end.

Paul Higginbotham, Chief
Permits Branch
Office of Water Quality

cc: Montgomery County Health Department

STATE OF INDIANA
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

PUBLIC NOTICE NO. 2010 – 3D -GP

DATE OF NOTICE: March 15, 2010

The Office of Water Quality issues the following NPDES GENERAL PERMIT.

TERMINATION

CLIFTON and QUIGG FERTILIZER, Permit No. ING080273, MONTGOMERY COUNTY, Linden, IN. This permit is being terminated because there is no longer a discharge. Permit Writer: Sheri Jordan at 317/232-8703.

PROCEDURES TO APPEAL

General Permit documents are available for inspection at IDEM, Office of Water Quality/Permit Section, IGCN, 100 N Senate Ave, Indianapolis, IN, Room 1203, from 9 - 4, Monday-Friday (copies 10¢ per page). The General Permit is also available at the local Health Department. Please tell others you think would be interested in this matter.

Appeal Procedure: Any person affected by the issuance of the Final Permit may appeal by filing a Petition for Administrative Review with the Office of Environmental Adjudication within eighteen (18) days of the date of this Public Notice. Any appeal request must be filed in accordance with IC 4-21.5-3-7 and must include facts demonstrating that the party requesting appeal is the applicant; a person aggrieved or adversely affected or is otherwise entitled to review by law.

Timely filing: The Petition for Administrative Review must be received by the Office of Environmental Adjudication (OEA) within 18 days of the date of this Public Notice; either by U.S. Mail postmark or by private carrier with dated receipt. This Petition for Administrative Review represents a request for an Adjudicatory Hearing, therefore must:

- state the name and address of the person making the request;
- identify the interest of the person making the request;
- identify any persons represented by the person making the request;
- state specifically the reasons for the request;
- state specifically the issues proposed for consideration at the hearing;
- identify the Final Permit Rule terms and conditions which, in the judgment of the person making the request, would be appropriate to satisfy the requirements of the law governing this NPDES Permit rule.

If the person filing the Petition for Administrative Review desires any part of the NPDES Final Permit Rule to be stayed pending the outcome of the appeal, a Petition for Stay must be included in the appeal request, identifying those parts to be stayed. Both Petitions shall be mailed or delivered to the address here:

Phone: 317/232-8591.

Environmental Law Judge
Office of Environmental Adjudication
IGC – North Building- Rm 501
100 N. Senate Avenue
Indianapolis IN 46204

Stay Time frame: If the Petition (s) is filed within eighteen (18) days of the mailing of this Public Notice, the effective date of any part of the permit, within the scope of the Petition for Stay is suspended for fifteen (15) days. The Permit will become effective again upon expiration of the fifteen (15) days, unless or until an Environmental Law Judge stays the permit action in whole or in part.

Hearing Notification: Pursuant to Indiana Code, when a written request is submitted, the OEA will provide the petitioner or any person wanting notification, with the Notice of pre-hearing conferences, preliminary hearings, hearing stays or orders disposing of the Petition for Administrative Review. Petition for Administrative Review must be filed in compliance with the procedures and time frames outlined above. Procedural or scheduling questions should be directed to the OEA at the phone listed above.



ENVIRONMENTAL ENGINEERING
(765) 728-8051 ♦ www.creekrun.com

December 8, 2009

Ms. Sheri Jordan
Indiana Department of Environmental Management
Office of Water Quality – Mail Code 65-42
NPDES Permit Section
100 North Senate Avenue
Indianapolis, Indiana 46204-2251

2009 DEC 10 A 8:12
IDEM
OFFICE OF
WATER QUALITY

RE: Letter to Cancel NPDES Permit
Clifton and Quigg Fertilizer
118 East County Road 800 North
Linden, Indiana
FID #9024
Incident #199609530
NPDES Permit #ING080273

Dear Ms. Jordan:

On behalf of Clifton and Quigg Fertilizer, Creek Run L.L.C. Environmental Engineering (Creek Run) requests NPDES Permit #ING080273 be terminated. The NPDES permit was obtained during Leaking Underground Storage Tank (LUST) remediation activities. Site remediation activities included excavation and disposal of petroleum impacted soil, removal of impacted groundwater from the excavation, treatment of impacted groundwater through a mobile carbon treatment unit, and discharge of treated water to an unnamed tributary to Joe Hall Drain. Remediation activities were completed in August 2009 and documented in a report entitled *Corrective Action Implementation Report* submitted to the Indiana Department of Environmental Management (IDEM) on September 17, 2009. Groundwater at the site will no longer be treated and discharged.

Please feel free to contact the undersigned at 765-728-8051 with any questions.

Sincerely,

Mary Hile, CHMM
Senior Project Manager

cc: Mr. Jay Clifton, Clifton and Quigg Fertilizer
cc: Mr. Jeffery Turley, IDEM

